

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 16

TEMPORARY CONTROL OF IRAQI BORDERS, PORTS AND AIRPORTS

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council Resolutions, including 1483 (2003),

Recognizing that it is desirable as soon as possible to restore the normal transit and movement of people to and from Iraq,

Acknowledging that the Iraqi laws on immigration, customs and quarantine should remain in place unless exceptions prove necessary for security reasons or otherwise to accomplish the obligations of the CPA under the laws and usages of war,

Noting that the current security situation in Iraq does not permit the unrestricted resumption of normal transit and movement,

I hereby promulgate the following:

Section 1 Definitions

- 1) "*Authorized officer*" means any Coalition personnel or Iraqi officials designated by the CPA to perform border control, customs or quarantine services.
- 2) "*Coalition personnel*" means all non-Iraqi military and civilian personnel under the authority of the Coalition Forces Commander, as well as all non-Iraqi military and civilian personnel assigned to, or under the direction or control of, the Administrator of the CPA.
- 3) "*Goods*" means any substance, organism, article, or thing, whether manufactured or natural, which may be moved across the borders of Iraq and which is not a human body, a cadaver or human remains.
- 4) "*Member of a crew*" means a person, including a master, who is employed on a vehicle to perform duties during a voyage or trip related to the operation of the vehicle or the provision of services to passengers.
- 5) "*Terrorism*" means the use or threatened use of unlawful violence against civilians, noncombatants, or other innocents, calculated to cause fear or to coerce or intimidate governments or societies, and motivated by political, religious, or ideological goals.

- 6) *"Terrorist organization"* means an organization whose objective is to support or commit acts of terrorism, directly or indirectly, physically or financially.
- 7) *"Transportation company"* is any corporation, enterprise or other entity transporting persons to Iraq.
- 8) *"Travel documents"* means documents required by the CPA for entry into and exit from Iraq and may include a valid Iraqi passport or an internationally recognized document proving Iraqi citizenship, a valid entry or exit visa, and travel permits issued by an authorized travel permit issuing authority.
- 9) *"Vehicle"* means any conveyance that may be used for transportation by land, water or air.

Section 2

Preservation of Laws

- 1) All Iraqi laws regarding immigration, emigration, customs and quarantine shall remain in force unless specifically suspended by this Order.
- 2) Wherever a stipulation or provision of this Order or any other CPA Regulation, Order or Memorandum conflicts with a current provision of Iraqi immigration, emigration, customs and quarantine laws, the stipulation or provision contained in such Regulation, Order or Memorandum shall prevail.
- 3) The edict of the former President Saddam Hussein regarding the expiration of "N" series passports issued during the years 1996 to 2002, fixing their expiration in the year 2003, is hereby suspended. All "N" series passports will continue in effect for their statutory duration.
- 4) All Iraqi passports that have expired within the last four years will be deemed valid until December 31, 2003 for the exclusive purpose of direct return travel to Iraq, with such travel to be completed by December 31, 2003. Such a passport will not be considered valid for any other purpose.
- 5) All current Iraqi passports that have a four-year expiration period may be extended to eight years by any travel permit issuing authority. Any passport purporting to have been issued after March 19, 2003 that does not bear a CPA stamp is invalidated.

Section 3

Right to Exit

- 1) Subject to compliance with Iraqi law and with border control procedures established from time to time by the CPA, all persons may exit from Iraq, provided they are in possession of necessary travel documents and are not subject to any travel restrictions under applicable law including this Order.
- 2) The following persons shall require special clearance to exit Iraq and may be prevented from exiting at the discretion of the Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, when appointed [hereinafter Interim Minister of the Interior]:
 - a) Senior regime or military leadership and Senior Party Members or office holders of the Ba'ath Party, as described in CPA/ORD/16 May 2003/01;
 - b) Persons suspected of having committed serious crimes;
 - c) Persons who are known or are suspected to have links to a terrorist organizations or who are suspected to have committed or to have provided financial, material, or technological support for acts of terrorism; and
 - d) Persons suspected of being involved with the manufacture, development, research, or transfer of technology or material related to weapons of mass destruction; or having knowledge of the location of weapons of mass destruction, or the identity of persons with such knowledge.

Section 4

Examinations for Entry

- 1) Subject to the present Order, a person seeking entry to Iraq shall appear before an authorized officer of the CPA (hereinafter "officer") at a port of entry, border control station or at such other place as may be designated by the Senior Advisor of the Ministry of Interior, in coordination with the Interim Minister of the Interior, for examination to determine whether the person may be granted entry to Iraq.
- 2) A person appearing for examination shall answer truthfully all questions put to that person and shall produce such documentation as may be required for the purpose of establishing whether the person may be granted entry.

Section 5

Permits to Enter Iraq

- 1) Persons seeking entry to Iraq are to be classified as either persons who require permits granting entry into Iraq (hereinafter “permits”) or persons who do not require such permits. Officers shall issue permits valid for up to 90 days, in accordance with this Order and with applicable law.
- 2) Persons not requiring permits to enter Iraq are all those persons not otherwise denied permits under this Order who are a) citizens of Iraq or persons who were born in Iraq, b) Coalition personnel, or c) United Nations officials or any official of any other UN organization. Persons requiring permits are all persons who are not listed in this Section 5.2.
- 3) Permits may be obtained and issued from any Iraqi embassies that have reopened, and from CPA offices established for this purpose within Iraq.

Section 6

Powers of an Officer

- 1) An officer who receives an application for a permit shall either approve or refuse the application, and shall notify the applicant of the decision. At any time after an application for a permit is approved, the officer may:
 - a) Alter or revoke any terms and conditions subject to which the person was granted entry;
 - b) Add terms and conditions as prescribed by the present Order and other CPA Regulations, Orders or Memoranda; and/or
 - c) Extend the permit.
- 3) Subject to the present Order, a visitor seeking an extension of a permit shall appear before an officer at such place as may be designated by the CPA Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, for examination to determine whether the visitor may be granted an extension of a permit.
- 4) A visitor appearing for examination shall answer truthfully all questions put to that visitor and shall produce such documentation as may be required for the purpose of establishing whether the visitor may be granted an extension of a permit.

Section 7
Persons Who May be Denied Entry to Iraq

- 1) An officer who receives an application for a permit may refuse the application if the officer has reasonable grounds to believe that the applicant:
 - a) knowingly provided any false, misleading, or inaccurate information in the course of the application process;
 - b) is suffering from any serious communicable disease, or is suffering from any disorder, disability or other health impairment for which commercial health services are not readily available in Iraq;
 - c) will be unable or unwilling to support themselves, and those persons who are dependent on the applicant;
 - d) is or was a member of a criminal organization;
 - e) will commit offenses, or engage in criminal activity planned and organized by persons acting in concert with or in furtherance of the commission of any offense;
 - f) will engage in or has engaged in an act of terrorism, or is a member of a terrorist organization or an organization that there are reasonable grounds to believe will:
 - i) engage in acts which are offensive to the principles of democratic government, institutions or processes, in Iraq; or
 - ii) engage in or instigate the removal by force of any government;
 - g) will engage in acts of violence that may endanger the lives or safety of persons in Iraq, or who is a member of an organization that engages in such acts;
 - h) has committed acts or omissions that constituted a war crime or a crime against humanity; or
 - i) has previously been deported from, or denied entry to, Iraq by the CPA, or an international territory with border control formalities.

- 2) In exercising the discretion set out in this Order, an officer shall consider whether the entry of the person poses a substantial risk to the people or interests of Iraq or in the case of a person who has established that he or she is an Iraqi national, whether entry should be denied because of security or military necessity;
- 3) A person denied entry under this Order may appeal to the Senior Advisor of the Ministry of Interior and the Interim Minister of the Interior for a review of the case. The determination of the Senior Advisor of Ministry of the Interior, in coordination with the Interim Minister of the Interior, will be final.

Section 8

Notice to Depart

- 1) Where an officer, upon examination of a person, is of the opinion that it would be contrary to the present Order to grant entry to the person, or to extend the permit of a person, the officer may, as appropriate:
 - a) allow that person to leave Iraq immediately; and/or
 - b) serve that person with a Notice to Depart (hereinafter "Notice") within a specified period.
- 2) A Notice must specify:
 - a) that the person must depart Iraq within a specified period;
 - b) the reasons why the Notice is being served;
 - c) that the person may object in writing to the Senior Advisor of the Ministry of Interior and the Interim Minister of the Interior within a specified time to this Notice, or give reasons why the Notice should not remain in force; and
 - d) that timely compliance will not have adverse consequences for the return of a person who otherwise complies with entry requirements.
- 3) Where the Senior Advisor of the Ministry of Interior or the Interim Minister of the Interior receives written objections from a person under this Order, the Senior Advisor of the Ministry of the Interior shall, in coordination with the Interim Minister of the Interior:
 - a) consider these promptly;

- b) promptly determine the fair and lawful resolution of the matter; and
- c) advise the person in writing of the decision.

Section 9 Revocation of a Permit

- 1) An officer may revoke a person's permit if:
 - a) the circumstances that formed the basis of the approval of the person's application for the permit no longer exist;
 - b) the person breaches a prescribed term of the permit, or another person required to comply with a condition of the permit has not met that condition;
 - c) the presence of the person in Iraq is, or would be, a risk to the health, safety or good order of the Iraqi community; or
 - d) the permit should not have been granted because the application for the permit was in contravention of the present Order or other applicable law.

Section 10 Identification and Seizure of Documents

- 1) Persons shall comply with the instructions of an officer regarding their identification if they a) seek entry into Iraq, b) make an application for the renewal of a permit, c) after being arrested or having been reported to a police officer, or other CPA or Coalition Force security personnel, or d) are subject to deportation under this Order.
- 2) For the purpose of identification, an officer may:
 - a) search persons or vehicles whom the officer believes have not revealed their identity or who have hidden on or about their person documents that are relevant to a decision as to whether they may be granted permission to enter Iraq, and may search any vehicle that conveyed the persons to Iraq and their luggage and personal effects;
 - b) search persons whom the officer reasonably believes have committed, or who are in possession of documents that may be used in the commission of an offense, and search any vehicle that conveyed the person to Iraq and their luggage and personal effects;

- c) examine at a port of entry or any other place in Iraq, for the purpose of this Order or relevant directives, any travel document or any other document or object purporting to be any of those documents or objects that is, or is about to be, imported into or exported from Iraq.
- 3) An officer may seize and hold at a port of entry or any other place in Iraq any object or document if the officer reasonably deems this necessary for the discharge of the functions of the officer under this Order.
- 4) An officer may seize and hold any object or document if the officer reasonably believes that it has been fraudulently or improperly obtained or used, or that such action is necessary to prevent its fraudulent or improper use.
- 5) An officer shall provide a written receipt to any individual from whom he seizes an object or document under this Order.

Section 11

Search of a Person

- 1) An officer may, without a warrant, search a person who seeks entry to Iraq.
- 2) The search of a person must be made by an officer pursuant to the present Order and must be made on reasonable grounds.
- 3) No person shall be searched by a person who is not of the same sex, and if there is no officer of the same sex at the place at which the search is to take place, an officer may authorize any suitable person of the same sex to perform the search.

Section 12

Search and Seizure of Goods

- 1) An officer may, without a warrant, search the vehicle, luggage or personal effects of any person who seeks entry into Iraq.
- 2) Persons crossing the borders of Iraq must make declarations or manifests of all goods being carried by the person available to an officer on request.
- 3) An officer may confiscate any goods that may pose a threat to the peace, security, health, environment, or good order of Iraq or any antiquities or cultural items suspected of being illegally exported.
- 4) Goods that are not declared may be confiscated by an officer. Persons may also be

ordered to return such goods, at their expense, to the jurisdiction from which they came.

- 5) Any goods confiscated must be immediately handed over to the Senior Advisor of the Ministry of Interior and the Interim Minister of the Interior, or to delegate(s) selected and agreed upon by the Senior Advisor and the Interim Minister, and a receipt must be issued to the person from whom the goods are confiscated.

Section 13

Offenses

- 1) The following shall constitute an offense under this Order:
- a) failure to appear before an officer for examination as required by this Order;
 - b) failure to answer truthfully all questions put to that person by an officer during examination;
 - c) failure to produce documentation as may be required by the officer during examination;
 - d) failure to make a declaration or manifest of all goods being carried by the person on request by an officer;
 - e) failure to cooperate with a search of the person or search of the person's vehicle, luggage or personal effects pursuant to this Order;
 - f) knowingly making a false representation by reason of which a person is induced to seek entry to Iraq or is assisted in any attempt to seek entry or by reason of which that person's entry is procured;
 - g) entering Iraq or remaining in Iraq without a permit, where a person requires a permit;
 - h) entering Iraq or remaining in Iraq by use of a false or improperly obtained travel document or other document pertaining to the entry of that person or by reason of any fraudulent or improper means or misrepresentation of any material fact;
 - i) breaching a prescribed term of a permit;
 - j) escaping or attempting to escape from lawful custody or detention

under the present Order and relevant directives; or

- k) organizing or facilitating the entry or proposed entry into Iraq of a person, knowing the person would, upon entering Iraq, be guilty of an offense under this Section.

Section 14 Penalties

A person who commits an offense described in this Order is liable to have any goods in their possession confiscated and may be deported from Iraq. The person may also be liable to a penalty prescribed in an applicable Iraqi law or CPA Order, Regulation or other directive.

Section 15 Liability for Removal Costs

- 1) A transportation company shall ensure a) that the persons it conveys to Iraq are in possession of all travel documents required by applicable law, b) that upon arrival of each one of its vehicles in Iraq, present each person to an officer for examination at such place as may be designated by an officer and c) that no other person leaves the vehicle:
 - a) at any place other than that designated by an officer; or
 - b) until permission has been granted by an officer.
- 2) Where a person has been allowed or required to leave Iraq pursuant to this Order, a transportation company that has conveyed the person to Iraq may be required by an officer to cause that person to be conveyed to the country from which that person came, or to such other country as the officer may approve at the request of the company.
- 3) Where a person has been required to leave Iraq because at the time of the arrival in Iraq the person was not in possession of a valid travel document required by applicable law, a transportation company that has conveyed the person to Iraq shall be liable to pay all costs of conveying that person to the country from which that person came, or to such other country as an officer may approve at the request of the company.
- 4) Where a person has been granted entry to Iraq, or where that person, at the time of arrival in Iraq, was in possession of a valid travel document, and where that person is required to leave Iraq pursuant to the present Order, a transportation company

that has conveyed the person to Iraq and that is required to cause that person to be conveyed from Iraq is entitled to be reimbursed by the Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, for the costs of conveying that person from Iraq. However a transportation company shall not be reimbursed for the costs of conveying from Iraq a person who enters Iraq as, or to become, a member of a crew.

- 5) Where a person enters Iraq as, or to become, a member of a crew of a vehicle and ceases to be a visitor, the transportation company that operates that vehicle may be required to cause that person to be conveyed to the country from which that person came, or to such other country as the Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, may approve at the request of the company. The transportation company shall be liable to pay all costs of conveying that person from Iraq.

Section 16 Other Offenses


- 1) Where an officer has reasonable grounds to believe that a person who seeks entry to or exit from Iraq, or who seeks to remain in Iraq, is liable for an offense committed under applicable law in Iraq, other than an offense prescribed in this Order, the officer shall report the matter immediately to security forces, who may take such action as they deem appropriate.
- 2) Where the circumstances of the case require, an officer may arrest a person suspected of having committed an offense other than an offense prescribed in this Order. The arrest must be immediately reported to the Senior Advisor of the Ministry of Interior and the Interim Minister of the Interior, and the arrested person must, as soon as possible but no later than six hours after the arrest, be delivered into the custody of security forces.

Section 17 Review

A person against whom an adverse decision has been made by an officer under this Order may apply in writing to the Senior Advisor of the Ministry of the Interior and the Interim Minister of the Interior for a review of the decision. Within seven days of receipt of the application, the Senior Advisor of the Ministry of the Interior, in coordination with the Interim Minister of the Interior, shall review the decision and notify the applicant of the determination.

Section 18
Entry into Force

This Order shall enter into force on the date of signature.


L. Paul Bremer, Administrator
Coalition Provisional Authority